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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,977	04/28/2005	Lily Ka-Lai Cheng	120270.129854	3081

28440 7590 12/10/2008  
WARNER, NORCROSS & JUDD  
IN RE: ALTICOR INC.  
INTELLECTUAL PROPERTY GROUP  
111 LYON STREET, N. W. STE 900  
GRAND RAPIDS, MI 49503-2489

EXAMINER
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TORRES RUIZ, JOHALI ALEJANDRA

ART UNIT	PAPER NUMBER
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2838

MAIL DATE	DELIVERY MODE
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12/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/532,977	<b>Applicant(s)</b> CHENG ET AL.	
	<b>Examiner</b> JOHALI A. TORRES RUIZ	<b>Art Unit</b> 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 41-98 is/are pending in the application.
- 4a) Of the above claim(s) 43-45, 47, 52-56, 58-67, 72, 75, 82-84, 86, 91-93, 95 and 98 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41, 42, 46, 48-51, 57, 68-71, 73, 74, 76-81, 85, 87-90, 94, 96 and 97 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/9/2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/28/2005, 1/19/2006, 7/13/2006, 11/21/2008</u> .             | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of claims 41-42, 46, 48-5, 57, 68-71, 73-74, 76-81, 85, 87-90, 94 and 96-97 in the reply of September 9, 2008 has been acknowledged.
2. Claims 43-45, 47, 52-56, 58-67, 72, 75, 82-84, 86, 91-93, 95 and 98 are withdrawn from further consideration.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 41-42, 46, 48-51, 57, 77-81, 85, 87-90, 94 and 96-97 are rejected under 35 U.S.C. 102(e) as being anticipated by Sabo et al. (U.S. Patent Number 6,803,744).
5. Claims 41, 78-80 and 89: Sabo teaches a primary unit (2), for use in a power transfer system that has first (14) and second (18) portable electronic devices, each said device being separable from the primary unit and having a secondary coil (16 and 20) adapted to couple with an electromagnetic field generated by the primary unit, when the device is placed in a working disposition on or in proximity to a power transfer surface (4) of the primary unit, so that power is transferred inductively from the primary unit to the device (Col.3, Lines 1-10), and the first (14) and second (18) devices differing from one another in device size (Fig.1); said primary unit being adapted to transfer

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power inductively to each said device and comprising: a field generator having first and second coils (6, 6a) for generating said electromagnetic field over the power transfer surface (Col.3, Lines 38-43), said second coil differing from said first coil in that a power transfer area provided by the second coil, if activated independently of said first coil, differs in size or shape from a power transfer area provided by the first coil if activated independently of the second coil (Col.3, Lines 24-33), and the field generator also having an activator for activating said first and second coils to provide (Col.2, Lines 61-67), at the power transfer surface, a first power transfer area for transferring power inductively to the first device and a second power transfer area for transferring power inductively to the second device (Col.3, Lines 4-8).

6. Claims 42, 81 and 90: Sabo teaches the limitations of claims 41, 78 and 89 as discussed above. Sabo teaches the activator is operable to provide both the first and second power transfer areas at the same time (Col.2, Lines 61-67).

7. Claims 46, 85 and 94: Sabo teaches the limitations of claims 41, 78 and 89 as discussed above. Sabo teaches the first and second power transfer areas are arranged in a substantially non-overlapping manner at the power transfer surface (4) so that the first (14) and second (18) portable devices can be placed side by side (Fig.1), on or in proximity to the first and second power transfer areas respectively, to receive power from the primary unit (2) at the same time (Col.3, Lines 1-10).

8. Claims 48, 87 and 96: Sabo teaches the limitations of claims 41, 78 and 89 as discussed above. Sabo teaches the activator is operable to activate at least one of said

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first and second coils only when one of said portable devices is sensed as being present on or in proximity to the power transfer surface (Col.5, Lines 4-13).

9. Claims 49, 88 and 97: Sabo teaches the limitations of claims 41, 78 and 89 as discussed above. Sabo teaches the activator is operable, when one of said devices is placed on or in proximity to said power transfer surface, to sense said secondary-coil area and said power requirement of the device, and to selectively activate at least one of said first and second coils according to the sensing result (Col.5, Lines 4-13).

10. Claim 50: Sabo teaches the limitations of claim 41 as discussed above. Sabo teaches the second coil (6a) is of a different shape from said first coil (6) (Fig.3).

11. Claim 51: Sabo teaches the limitations of claim 41 as discussed above. Sabo teaches at least one of said first and second coils is arranged to generate an electromagnetic field which is generally parallel to the power transfer surface (Fig.1) (Col.3, Lines 61-62).

12. Claim 57: Sabo teaches the limitations of claim 41 as discussed above. Sabo teaches one of the first and second coils encloses an area parallel to said power transfer surface that is larger than an area parallel to said power transfer surface enclosed by the other of said first and second coils (Col.5, Lines 34-39).

13. Claim 77: Sabo teaches the limitations of claim 41 as discussed above. Sabo teaches the power transfer surface is substantially planar (4) (Fig.1) (Col.2, Lines 53-55).

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***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 68-71, 73-74 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabo et al. (U.S. Patent Number 6,803,744) as applied to claim 41 above, and further in view of Mizutani et al. (U.S. Patent Number 6,756,697).

16. Claim 68: Sabo teaches the limitations of claim 41 as discussed above. Sabo does not explicitly teach the power transfer surface has an indication of a correct device position or rotation.

Mizutani teaches an inductive power transfer surface (12) including an indication (19) of a correct device (20) position (Fig.2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Mizutani in the device of Sabo to have had positioned the device properly on the power transfer surface (Col.6, Lines 1-5).

17. Claim 69: Sabo teaches the limitations of claim 41 as discussed above. Sabo does not explicitly teach at least one of the portable devices bears an indication of a correct device position or rotation for placing the device in its said working disposition on or in proximity to the power transfer surface.

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Mizutani teaches at least one of the portable devices (20) bears an indication (22) of a correct device position or rotation for placing the device in its said working disposition on or in proximity to the power transfer surface (Col.5, lines 1-6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Mizutani in the device of Sabo to have had positioned the device properly on the power transfer surface (Col.6, Lines 1-5).

18. Claim 70: Sabo and Mizutani teach the limitations of claim 68 as discussed above. Mizutani teaches the indication (19) indicates one or more limits to the degrees of freedom for placing the device in its said working disposition on or in proximity to the power transfer surface (Fig.4A-4B).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Mizutani in the device of Sabo to have had positioned the device properly on the power transfer surface (Col.6, Lines 1-5).

19. Claim 71: Sabo and Mizutani teach the limitations of claim 68 as discussed above. Mizutani teaches the indication (19) comprises outlining of the coil (17a) area (Fig.4A-4B).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Mizutani in the device of Sabo to have had positioned the device properly on the power transfer surface (Col.6, Lines 1-5).

20. Claim 73: Sabo and Mizutani teach the limitations of claim 68 as discussed above. They do not explicitly teach the indication comprises a line or arrow. The change of shape has been found to hold a *prima facie* case of obviousness. n re Dailey, 357



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F.2d 669, 149 USPQ 47 (CCPA 1966) (The court held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.).

21. Claim 74: Sabo and Mizutani teach the limitations of claim 68 as discussed above. One of ordinary skill in the art would have been able to have had the indication rendered by printing ink to obtain the expected result of positioning the device properly on the power transfer surface.

22. Claim 76: Sabo and Mizutani teach the limitations of claim 68 as discussed above. Mizutani teaches the indication (19) is rendered by an overall shape of the primary unit or part of it (Fig.4A-4B).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Mizutani in the device of Sabo to have had positioned the device properly on the power transfer surface (Col.6, Lines 1-5).

### ***Conclusion***

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHALI A. TORRES RUIZ whose telephone number is (571)270-1262. The examiner can normally be reached on M- F 9:30am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on (571) 272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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